

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 11, 2022

UNITED STATES DISTRICT COURT

SEAN F. McAVOY, CLERK

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:21-CR-06028-MKD-1

Plaintiff,

ORDER FOLLOWING
ARRAIGNMENT ON SECOND
SUPERSEDING INDICTMENT

vs.

JOSE MENDOZA-RUELAS,

Defendant.

On Thursday, March 10, 2022, Defendant was arraigned on the Second Superseding Indictment (ECF No. 124). With Defendant's consent, Defendant appeared by video from the Yakima County Jail. Defendant was represented by Assistant Federal Defender Craig Webster and assisted by federal court-certified interpreter Natalia Rivera. Assistant United States Attorney Todd Swensen represented the United States.

Defendant advised that his true name is Gerardo Mendoza-Ruelas and is also known as Jose Mendoza-Ruelas.

Defendant was advised of and acknowledged Defendant's rights.

Defendant pled not guilty.

The Court appointed counsel to represent Defendant (ECF No. 10) and addressed detention (ECF Nos. 21, 85) in previous orders.

ORDER FOLLOWING ARRAIGNMENT ON SECOND SUPERSEDING
INDICTMENT - 1

1 Defendant is bound over to Judge Mary K. Dimke for further proceedings.

2 The Court directs the parties to review the Local Criminal Rules governing
3 discovery and other issues in this case. [http://www.waed.uscourts.gov/court-
5 info/local-rules-and-orders/general-orders](http://www.waed.uscourts.gov/court-
4 info/local-rules-and-orders/general-orders).

6 Under federal law, including Rule 5(f) of the Federal Rules of Criminal
7 Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable decisions
8 from the Supreme Court and the Ninth Circuit interpreting *Brady*, the United States
9 has a continuing obligation to produce all information or evidence known to the
10 United States relating to guilt or punishment that might reasonably be considered
11 favorable to Defendant's case, even if the evidence is not admissible so long as it is
12 reasonably likely to lead to admissible evidence. *See United States v. Price*, 566
13 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the Court orders the United
14 States to produce to Defendant in a timely manner all such information or
15 evidence.

16 Information or evidence may be favorable to a defendant's case if it either
17 may help bolster the defendant's case or impeach a prosecutor's witness or other
18 government evidence. If doubt exists, it should be resolved in favor of Defendant
19 with full disclosure being made.

20 If the United States believes that a required disclosure would compromise
witness safety, victim rights, national security, a sensitive law-enforcement

1 technique, or any other substantial government interest, the United States may
2 apply to the Court for a modification of the requirements of this Disclosure Order,
3 which may include *in camera* review and/or withholding or subjecting to a
4 protective order all or part of the information.

5 This Disclosure Order is entered under Rule 5(f) and does not relieve any
6 party in this matter of any other discovery obligation. The consequences for
7 violating either this Disclosure Order or the United States' obligations under *Brady*
8 include, but are not limited to, the following: contempt, sanction, referral to a
9 disciplinary authority, adverse jury instruction, exclusion of evidence, and
10 dismissal of charges. Nothing in this Disclosure Order enlarges or diminishes the
11 United States' obligation to disclose information and evidence to a defendant under
12 *Brady*, as interpreted and applied under Supreme Court and Ninth Circuit
13 precedent. As the Supreme Court noted, "the government violates the
14 Constitution's Due Process Clause 'if it withholds evidence that is favorable to the
15 defense and material to the defendant's guilt or punishment.'" *Turner v. United*
16 *States*, 137 S. Ct. 1885, 1888 (2017) (quoting *Smith v. Cain*, 565 U.S. 73, 75
17 (2012)).

18 DATED March 11, 2022.

19 s/James P. Hutton
JAMES P. HUTTON
20 UNITED STATES MAGISTRATE JUDGE